

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:

JOSEPH CEBULA,

Complainant,

and

JAMO HI-FI USA, INC.,

Respondent.

CHARGE NO(S): 2000CA3069

EEOC NO(S): 21BA02496

ALS NO(S): 11641

NOTICE

You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

Entered this 9th day of April 2010

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)	
)	
JOSEPH CEBULA,)	
)	
Complainant,)	CHARGE NO. 2000CA3069
)	ALS NO. 11641
AND)	EEOC No. 21BA02496
)	
JAMO HI-FI USA, INC.,)	
)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

This matter is now ready for consideration of Complainant Joseph Cebula's *Petition for Attorney's Fees* which was filed on April 17, 2008. Respondent, JAMO Hi-Fi USA, Inc., has failed to file a response to that petition despite its registered agent having been served with a June 10, 2008 order which gave Respondent sixty (60) days to respond. That order was also served upon Respondent's last known corporate address of record but was returned to the Human Rights Commission's Chicago offices by the U.S. Postal Service and marked as undeliverable. Respondent's attorney's *Motion to Withdraw* was granted pursuant to the June 10, 2008 order. For the reasons stated below, Complainant's fee petition is GRANTED.

FINDINGS OF FACT

1. Complainant, Joseph Cebula, is entitled to attorney's fees and costs in accord with *Recommended Liability Determination* entered in this case.
2. All previous findings of fact found in the *Recommended Liability Determination* are incorporated by reference herein.

3. Complainant's request for attorney's fees and costs set forth in his fee petition was timely filed with the Commission.
4. Respondent failed to file any objections to Complainant's timely filed fee petition.
5. Complainant's counsel, the law firm of Monahan & Cohen, reasonably expended 130.23 hours of time on this matter from January 28, 2002 through April 15, 2008.
6. The hourly rate charged by the firm of Monahan & Cohen for a matter of this nature is \$250.00 which is customary and reasonable for attorneys within the Chicago-area with similar litigation experience and skill.

CONCLUSIONS OF LAW

1. A prevailing complainant may recover reasonable attorney's fees for a reasonable number of hours expended to maintain this action,
2. The current reasonable rate to which an attorney is entitled is the proper rate to be applied to the full fee request, absent an increase in the attorney's standard fee for a reason other than economic forces over time.
3. A respondent's failure to file any objections to a complainant's petition for attorney's fees and costs is deemed a waiver of any objections to the award of fees.

DISCUSSION

Once there has been a finding that a respondent has violated the Human Rights Act and a complainant's damages have been determined, the focus of the remaining inquiry concerns the amount of attorney's fees and costs that should be awarded to the complainant under the Act. See 775 ILCS 5/8A-104(G).

In this case, Complainant Cebula has filed a detailed fee petition which provides a reasonable number of hours (130.23) spent on a matter of this nature. Attached to that fee petition are the affidavits of Paul S. Franciskowicz, Susan Lorraine Kennedy and Patricia K.

Hogan, all licensed Illinois attorneys that work for the firm of Monahan and Cohen and who have worked on the matter at hand. Mr. Franciszkowicz has been a licensed lawyer for fourteen (14) years, Ms. Kennedy for approximately fifteen (15) years and Ms. Hogan for over thirty (30) years. Based on the experience of each, which is laid out in detail in their individual affidavits, a fee of \$250.00 per hour for their work on a case of this type is very reasonable. The hourly rate should generally depend on the experience of the attorney and the type of work involved. *Clark and Champaign National Bank, IHRC, 1978TN0030, July 2, 1982.* Establishing the hourly rate may be done in a number of ways, including the submission of affidavits reciting the precise fees that attorneys with similar qualifications have received from paying clients in comparable cases, or affidavits showing evidence of the actual billing practice during the relevant time period. *Tolbert v. Fraternal Order of Eagles Olney Aerie, IHRC, S-12132, July 7, 2005.* Indeed, the actual rate that a complainant's attorney can command in the market place is highly relevant proof of prevailing community standards. In addition, the Commission has previously approved the rate of \$300.00 per hour in other cases for attorneys in private practice with similar litigation experience and skill. *Ginn and Grayline Tours D/B/A AME, IHRC, 11183, November 17, 2005.* See also, *Raila and Domino's Pizza, Inc., IHRC, 12016, March 30, 2007.* Based on the above and because Respondent has failed to file objections of any kind to Complainant's petition for fees and costs in this matter, there is no reason to question the reasonableness of Complainant's petition.

RECOMMENDATION

Based on the foregoing, it is hereby recommended that:

1. Respondent be ordered to pay Complainant a total of \$32,861.30 as attorney's fees in this matter.

2. Complainant receive all other relief recommended in the Recommended Liability Determination.

ENTERED: JULY 22nd, 2009

HUMAN RIGHTS COMMISSION

**MARIETTE LINDT
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION**